

REMARKS

Claims 1-5, 8-10, and 13-18 were previously pending in the application. Claims 8 and 16 are canceled and claims 1, 9, and 17-18 are amended herein. Assuming the entry of this amendment, claims 1-5, 9-10, 13-15, and 17-18 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Title of the Invention

In the response to the office action dated 08/25/2008, the title of the invention had been amended as shown on the title page of the present amendment. However, the EFS and file wrapper continue to show the old title. Appropriate correction is respectfully requested.

Claims

On page 2, the Examiner rejected claims 1-3, 5, 8-10, 13, and 15-16 under 35 U.S.C. § 102(b) as being anticipated by Hoke. On page 6, the Examiner rejected claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Hoke in view of Holmes. On page 8, the Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Hoke in view of Sakurai.

For the following reasons, the Applicant submits that all pending claims are allowable over the cited art.

Amended claim 1 is equivalent to previously pending claim 8 rewritten in independent form. Amended claim 9 is equivalent to previously pending claim 16 rewritten in independent form.

Amended claim 1 specifies, *inter alia*, that the mobile phone set comprises a short range transceiver coupled to the personal locator beacon transmitter circuit and the microprocessor such that **the beacon includes emergency information received from the short range transceiver**.

In the rejection of previously pending claim 8, on page 5 of the office action, the Examiner cites and relies on Hoke's Figs. 1-3, title, abstract, and paragraphs [0029], [0031], and [0034].

Since the rejection of claim 8 over Hoke is made under 35 U.S.C. § 102, for this rejection to be proper, Hoke "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present" (see MPEP § 706.02(V)). However, inspection of the cited teachings reveals that, at most, they provide that the software and hardware disclosed by Hoke can be used in a Bluetooth-enabled device (see, e.g., Hoke's paragraph [0031]). It is submitted that these teachings do **not** provide, explicitly or impliedly, that the beacon includes emergency information received from the Bluetooth transceiver of said Bluetooth-enabled device. Moreover, these teachings do not even provide that the Bluetooth transceiver is somehow configured to supply any emergency information at all to the personal locator beacon transmitter circuit. Since Hoke does not teach, explicitly or impliedly, the above-specified aspect of the invention defined by claim 8, as required by MPEP § 706.02(V), it is submitted that the rejection of claim 8 over Hoke does not comply with the MPEP, is improper, and, as such, should be withdrawn.

For all these reasons, the Applicant submits that amended claim 1 is allowable over Hoke. For similar reasons, the Applicant submits that amended claim 9 is also allowable over Hoke. Since claims 2-5, 10, 13-15, and 17-18 depend variously from claims 1 and 9, it is further submitted that those claims are also allowable over Hoke.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn, Drucker, & Associates, P.C. Deposit Account No. 50-0782**.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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